

# **Municipality of Lakeshore – Report to Council**

## **Strategic & Legal Affairs**



**To:** Mayor & Members of Council

**From:** Kristen Newman, Corporate Leader – Strategic & Legal Affairs

**Date:** March 14, 2022

**Subject:** Mandatory Mask By-law & Provincial Mask Mandate

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### **Recommendation**

Direct Administration to proceed with Option \_\_\_\_ as presented in the Mandatory Mask By-law & Provincial Mask Mandate report presented at the March 15, 2022 Council meeting.

### **Background**

On August 11, 2020 Council passed the following resolution 269-08-2020:

Direct Administration to draft a mandatory mask by-law as described in Option #3 of the report presented at the August 11, 2020 Council meeting.

This resolution contemplated Administration presenting a by-law to require that masks be worn in publically accessible buildings in the Town of Lakeshore.

At the September 1, 2020 Council meeting, Council passed the following resolution:

Adopt By-law 78-2020, a Mandatory Mask By-law; and,

Approve the short form wordings and set fines attached as Appendix “A” to the Mandatory Mask By-law report presented at the September 1, 2020 Council meeting.

Council adopted By-law 78-2020 at that meeting as well.

By-law 78-2020 applies to operators and individuals. The by-law regulates as follows:

- 1) By requiring operators of publicly accessible buildings to enforce the requirement to wear masks in the buildings;
- 2) By requiring operators to post signage regarding the requirement to wear masks; and,

- 3) By requiring individuals to wear masks (with certain exemptions further described below).

### ***Where and to whom does the by-law apply?***

The by-law requires the wearing of masks in establishments. Establishments are buildings that are indoors and where the public is ordinarily invited or permitted access to, whether or not a fee or membership is charged for entry. The definition of establishment includes many premises, including restaurants, beverage kiosks, places of worship, indoor recreational facilities, cultural spots, community service agencies, banquet and meeting halls, common areas of hotels. The by-law expressly excludes, day cares, schools, health care facilities, day camp facilities, school busses, courts, professional offices available by appointment only and indoor areas of building accessible to employees only. The Mask By-law was drafted to address public spaces and employer policies would address the portions of facilities closed to the public.

Certain classes of people are exempt from the requirement to wear a mask such as those with medical reasons preventing them from wearing the mask, persons under 2 years, persons with medical conditions preventing the ability to wear masks, and emergency services providers where it would prevent performance of duties.

### **Comments**

A number of municipalities passed by-laws requiring the wearing of masks in publicly accessible premises. The Province introduced regulations under the precursor to the *Reopening Ontario Act* thereafter which required masks to be worn. On March 11, 2022, the Province issued O. Reg. 213/22 under the *Reopening Ontario Act*, to rescind the requirement to wear masks in most public settings with the exclusion of a few specific public premises (public transit, hospitals, long-term care homes, retirement homes, health care clinics, shelters, labs, group homes, and various other provincially funded service agencies). The removal of the requirement to wear a mask will come into force on March 21, 2022.

In light of the Province's removal of most mask-wearing requirements in public places, Administration is presenting 2 options for Council's consideration:

***Option 1:*** Council receive the report for information.

This option would have the effect of leaving the Mask By-law to stay in force until such time as *Reopening Ontario Act*, regulation 364/20, the Roadmap Exit Plan, is revoked (this is the provincial regulation that sets out all of the various masking rules some of which will remain in force beyond March 21, 2022). The revocation date for this regulation is unknown at this time.

***Option 2:*** Direct the Clerk to present draft By-law 26-2022 during the Consideration of the By-laws portion of the agenda at the March 29, 2022 Council meeting.

This option would have the effect of the Mask By-law staying in force beyond the March 21, 2022 date. Directing this option will give notice to enforcement bodies that the Municipality will no longer be expecting enforcement of the Mask By-law.<sup>1</sup>

### **Others Consulted**

Other local municipalities

### **Financial Impacts**

If the Mask By-law were to continue to remain in force and the enforcement agencies were to continue to enforce the by-law, there may be a nominal amount of fines collected.

### **Report Approval Details**

Document Title:	AmendMandatoryMaskBy-law.docx
Attachments:	
Final Approval Date:	Mar 14, 2022

This report and all of its attachments were approved and signed as outlined below:

Justin Rousseau

Krystal Kalbol

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<sup>1</sup> This does not preclude the Municipality from requiring employees to wear masks in its workplaces.